

Appl. No.: 10/749,762
Amdt. dated 03/28/2008
Reply to Office Action of November 29, 2007

REMARKS

The continued confirmation of the allowance of Claims 2, 9-14, 25-27 and 29-36 and the indication of the allowability of dependent Claim 8 is appreciated. However, the prior allowability of Claims 1, 3 and 5-7 has been withdrawn. Instead, Claim 7 has been rejected under 35 U.S.C. § 102(b) as being anticipated by each of U.S. Patent No. 3,848,379 to John O. Hazen and U.S. Patent No. 4,866,898 to Allan R. LaRoche, et al. Claim 6 has also been rejected under 35 U.S.C. § 103(a) as being unpatentable over the LaRoche '898 patent in view of U.S. Patent No. 3,694,976 to Stanley W. Warshaw. Finally, Claims 1, 3 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hazen '379 patent.

In order to advance examination in the most expeditious manner and without comment as to the propriety of the rejections (and, indeed, without prejudice to presentation of any of the amended or canceled claims in a continuing application), independent Claims 6 and 7 have been canceled and independent Claim 1 has been amended to include a number of the recitations previously set forth by allowable dependent Claim 8 in either the same or somewhat modified language. As a result of the amendment of independent Claim 1, dependent Claim 8 has now been canceled. Also, as the Official Action submits that the use of an elastomer sponge material for the deformable segment would have been obvious, independent Claim 1 has also been amended to no longer recite that the deformable segment is made of an elastomer sponge material. Instead, new Claim 37 has been added which depends from independent Claim 1 and further defines the deformable segment to be comprised of an elastomer sponge material. Since none of the cited references, taken either individually or in combination, teach or suggest the apparatus of amended independent Claim 1, it is respectfully submitted that the rejection of amended independent Claim 1 is overcome and amended independent Claim 1 should be in condition for immediate allowance. In light of their dependency upon amended independent Claim 1, the rejection of Claims 3 and 5 should also be overcome, with these dependent claims similarly being in condition for immediate allowance.

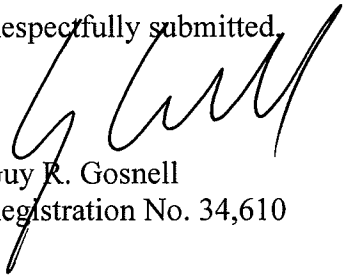
In view of the amendments to the claims and the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. As such, the

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issuance of a Notice of Allowance is respectfully requested. In order to expedite examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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